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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 BRIAN CLAY COOK,

Case No. 3:19-cv-00081-MMD-CLB

7 Petitioner,

ORDER

8 v.

9 RENEE BAKER, *et al.*,

10 Respondents.

11 This is a habeas corpus action under 28 U.S.C. § 2254. Petitioner has filed a motion
12 to stay. (ECF No. 41.) Respondents do not oppose the motion. (ECF No. 44.) Currently
13 pending before the Nevada Supreme Court is an appeal that will determine whether
14 Petitioner's state post-conviction habeas corpus petition is timely under state law, which
15 in turn could affect the procedural posture of this action. The Court thus finds good cause
16 exists to stay this action.

17 It is therefore ordered that Petitioner's motion for stay (ECF No. 41) is granted.

18 It is further ordered that this action is stayed pending exhaustion of the unexhausted
19 claims. Petitioner must return to this Court with a motion to reopen within 45 days of
20 issuance of the remittitur by the Nevada Supreme Court at the conclusion of the state-
21 court proceedings. Further, Petitioner or Respondents may otherwise move to reopen the
22 action and seek any relief appropriate under the circumstances at that time.

23 The Clerk of Court is directed to administratively close this action until such time as
24 the Court grants a motion to reopen it.

25 DATED THIS 6th day of April 2020.

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28 MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE